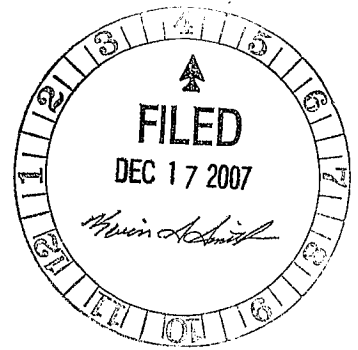


In the  
**Indiana Supreme Court**



IN THE MATTER OF THE  
APPROVAL OF LOCAL RULES  
FOR TIPPECANOE COUNTY

Case No. 79S00-0712-MS-593

ORDER APPROVING AMENDED LOCAL RULE


The Judges of the Tippecanoe Circuit and Superior Courts request the approval of an amended local rule for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Tippecanoe Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR79-AR1(E)-1 complies with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website prior to taking effect on January 1, 2008.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR79-AR1(E)-1 for Tippecanoe County Courts, set forth as an attachment to this Order, is approved effective January 1, 2008. The Clerk of this Court is directed to post a copy of the amended rule on the Indiana Judicial Website prior to January 1, 2008. The Clerk of this Court is further directed to forward a copy of this Order to the Hon. Donald L. Daniel, Tippecanoe Circuit Court, 301 Main Street, Lafayette, IN 47901-1354; the Hon. Donald C. Johnson, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901-1354; the Hon. Thomas H. Busch, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901; the Hon. Loretta H. Rush, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901-1354; the Hon. Gregory J. Donat, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901-1363; the Hon. Les A. Meade, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901-1354; the Hon. Michael A. Morrissey, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901; and to the Clerk of the Tippecanoe Circuit Court.

The Clerk of the Tippecanoe Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website prior to January 1, 2008.

DONE at Indianapolis, Indiana, this 17<sup>th</sup> day of December, 2007.

A handwritten signature in dark ink, appearing to read "RT Shepard", is written over a horizontal line.

Randall T. Shepard  
Chief Justice of Indiana

### LR79-AR1(E)-1 County Caseload Plan

This Rule incorporates by reference the current caseload allocation plan for Tippecanoe County, as approved by the Indiana Supreme Court. The plan is subject to review every two (2) years. As of the date of the Order adopting these Rules, and subject to any modifications which may subsequently be made, the plan reads as follows:

1. All cases wherein the most serious charge alleged is Murder, a Class A, B, or C felony and those Class D felonies set forth in paragraph 2 below shall be assigned to Tippecanoe Circuit Court, Superior Court of Tippecanoe County, and Superior Court No. 2 of Tippecanoe County, on a random basis according to the following ratio:

<u>Court</u>	<u>Ratio</u>
Tippecanoe Circuit Court	2
Superior Court of Tippecanoe County	4
Superior Court No. 2 of Tippecanoe County	4

2. Class D felony cases assigned to Tippecanoe Circuit Court, Superior Court of Tippecanoe County, and Superior Court No. 2 of Tippecanoe County are as follows:

I.C. 35-42-2-1 (a) (2) (B)	Battery on a Child
I.C. 35-42-4-4 (b) (1) and (2)	Possession of Child Pornography; Child Exploitation
I.C. 35-42-4-5 (a)	Vicarious Sexual Gratification
I.C. 35-42-4-6	Child Solicitation
I.C. 35-42-4-7	Child Seduction
I.C. 35-42-4-9 (b)	Sexual Misconduct With a Minor
I.C. 35-49-3-3	Dissemination of Matter Harmful to Minors
I.C. 35-46-1-4	Neglect of a Dependent
I.C. 35-43-1-1 (d)	Arson
I.C. 35-48-4-4	Dealing in Schedule V Controlled Substance
I.C. 35-48-4-6	Possession of Cocaine or Narcotic Drug (not including residual amounts in paraphernalia, unless any habitual enhancement applies)
I.C. 35-48-4-7	Possession of Controlled Substances, Schedule I, II, III, IV, or V with more than 10 pills/or dosage units alleged
I.C. 35-48-4-10 (b)	Dealing in Marijuana
I.C. 35-48-4-11	Possession of Marijuana, with more

than 50 grams alleged

I.C. 35-48-4-11

Possession of Marijuana with a prior conviction if any habitual enhancement is applicable

3. Where it is alleged that defendants, jointly commit a crime or crimes, their cases shall be filed together in the same court.
4. Superior Court No. 3 of Tippecanoe County exercises juvenile jurisdiction and will not receive filings of felony or misdemeanor cases. A case wherein juvenile jurisdiction is waived may be assigned to a court by agreement of the parties. In the absence of such agreement, the case shall be filed in accordance with the Local Rule on Assignment of Criminal Cases.
5. All Class D felonies, misdemeanors, and infractions alleging a violation of Indiana Code Title 9, Traffic Code, shall be assigned to Superior Court No. 6 of Tippecanoe County.
6. All Class D felonies, misdemeanors, and infractions alleging violation of Indiana Code Title 35, Article, Controlled Substances, and not set forth in paragraph 2 above, shall be filed in Superior Court No. 4 of Tippecanoe County. Glue Sniffing in violation of Indiana Code 35-46-6-2 and Public Intoxication cases shall be filed in Superior Court No. 4 of Tippecanoe County.
7. All remaining Class D felonies, misdemeanors, and infraction cases not specifically set forth above shall be filed in Superior Court No. 5 of Tippecanoe County.
8. A judge, by appropriate order, may transfer and reassign to any other court of record in the county, any pending case, subject to acceptance by the receiving court.
9. A case transferred to Tippecanoe County by reason of change of venue from another county may be assigned to a court by agreement of the parties. In the absence of such an agreement, the case shall be filed in accordance with this Local Rule on Case Assignments.
10. When the State of Indiana dismisses a case and chooses to re-file that case, the case shall be assigned to the court from which dismissal was taken.
11. In the event a change of judge is granted pursuant to Indiana Criminal Rule 12 or it becomes necessary to assign another judge in any felony or misdemeanor proceeding, the case shall be returned to the Clerk of court for random selection of another court from among all the courts in Tippecanoe County. On selection, the case shall be reassigned by the Clerk to the selected court.

12. In the event no judge is available for assignment or reassignment of a felony or a misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a special judge. In the event the judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a special judge, the presiding judge may request the Indiana Supreme Court for such appointment.

IN THE  
INDIANA SUPREME COURT

IN THE MATTER OF                    )  
REQUEST FOR APPROVAL            )  
OF LOCAL RULES                    )  
FOR COURTS OF RECORD IN        )  
TIPPECANOE COUNTY                )

Case No.

**REQUEST FOR APPROVAL OF LOCAL RULE**  
**AMENDING CURRENT CASELOAD**  
**ALLOCATION PLAN**

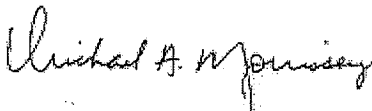
The judges of the courts of record of Tippecanoe County have decided to amend LR79-AR1(E)-1, their local rule pertaining to caseload allocation as required by Administrative Rule 1, and request that the Supreme Court approve the rule as amended.

The local rule indicated above is proposed for adoption without first being published for comment because good cause exists for the court(s) to deviate from the schedule established pursuant to T.R. 81 (D) and shall not be effective until so published for comment.

Accordingly, the judges of record of Tippecanoe County request approval of the above noted Local Rule as amended by assigning Public Intoxication cases to the Tippecanoe Superior Court No. 4.

Submitted this 30<sup>th</sup> day of November, 2007.

For the Courts of Record of Tippecanoe County



MICHAEL A. MORRISSEY, Judge of the Tippecanoe  
Superior Court No. 6 and Presiding Judge of the  
Tippecanoe Superior Courts No. 4, 5 and 6